

1 TRINETTE G. KENT (State Bar No. 025180)  
2 3219 E Camelback Road, #588  
3 Phoenix, AZ 85018  
4 Telephone: (480) 247-9644  
5 Facsimile: (480) 717-4781  
6 E-mail: tkent@lemlaw.com

7 Of Counsel to  
8 Lemberg Law, LLC  
9 43 Danbury Road  
10 Wilton, CT 06897  
11 Telephone: (203) 653-2250  
12 Facsimile: (203) 653-3424

13 Attorneys for Plaintiff,  
14 Rebecca Cooley

15 UNITED STATES DISTRICT COURT  
16 FOR THE DISTRICT OF ARIZONA

17 Rebecca Cooley,

18 Plaintiff,

19 vs.

20 Conn Appliances, Inc.,

21 Defendant.  
22  
23  
24  
25  
26  
27  
28

Case No.:

**COMPLAINT**

**JURY TRIAL DEMANDED**

1 Plaintiff, Rebecca Cooley (hereafter “Plaintiff”), by undersigned counsel, brings  
2 the following complaint against Conn Appliances, Inc. (hereafter “Defendant”) and  
3  
4 alleges as follows:

5 **JURISDICTION**

6 1. This action arises out of Defendant’s repeated violations of the  
7  
8 Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA”).

9 2. Jurisdiction of this Court arises under 47 U.S.C. § 227(b)(3) and 28  
10 U.S.C. § 1331.

11 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where  
12 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or  
13 where Defendant transacts business in this district.  
14  
15

16 **PARTIES**

17 4. Plaintiff is an adult individual residing in Chandler, Arizona, and is a  
18 “person” as defined by 1 U.S.C. § 1.  
19

20 5. Defendant is a business entity located in Woodlands, Texas, and is a  
21 “person” as the term is defined by 1 U.S.C. § 1.  
22

23 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

24 6. Plaintiff is a natural person allegedly obligated to pay a debt asserted to  
25 be owed to Defendant.  
26  
27  
28

1           7.     At all times mentioned herein where Defendant communicated with any  
2 person via telephone, such communication was done via Defendant's agent,  
3 representative or employee.  
4

5           8.     At all times mentioned herein, Plaintiff utilized a cellular telephone  
6 service and was assigned the following telephone number: 480-xxx-5889 (hereafter  
7 "Number").  
8

9           9.     Within the past year, Defendant began calling Plaintiff's Number in an  
10 attempt to collect a debt.  
11

12           10.    The aforementioned calls were placed using an automatic telephone  
13 dialing system ("ATDS") and/or by using an artificial or prerecorded voice  
14 ("Robocalls").  
15

16           11.    When Plaintiff answers Defendant's calls, she hears a significant period  
17 of silence or a series of clicks before Defendant's automated system attempts to  
18 connect Plaintiff to an available representative.  
19

20           12.    In or around September of 2019, during a live conversation, Plaintiff  
21 requested that Defendant cease all further calls to her Number.  
22

23           13.    Ignoring Plaintiff's request, Defendant continued to call Plaintiff's  
24 Number using an ATDS in an excessive and harassing manner.  
25

26           14.    Defendant's calls directly and substantially interfered with Plaintiff's  
27 right to peacefully enjoy a service that Plaintiff paid for and caused Plaintiff to suffer  
28 a significant amount of anxiety, frustration, and annoyance.

**COUNT I**

**VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT, 47  
U.S.C. § 227, et seq.**

15. Plaintiff incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

16. The TCPA prohibits Defendant from using, other than for emergency purposes, an ATDS and/or Robocalls when calling Plaintiff's Number absent Plaintiff's prior express consent to do so. *See* 47 U.S.C. § 227(b)(1).

17. Defendant's telephone system has the earmark of using an ATDS in that Plaintiff, upon answering calls from Defendant, heard silence or clicks before being connected with a live representative.

18. Defendant called Plaintiff's Number using an ATDS without Plaintiff's consent in that Defendant either never had Plaintiff's prior express consent to do so, or such consent was effectively revoked when Plaintiff requested that Defendant cease all further calls.

19. Defendant continued to willfully call Plaintiff's Number using an ATDS and/or Robocalls knowing that it lacked the requisite consent to do so in violation of the TCPA.

20. Plaintiff was harmed and suffered damages as a result of Defendant's actions.

1           21. The TCPA creates a private right of action against persons who violate  
2 the Act. *See* 47 U.S.C. § 227(b)(3).  
3

4           22. As a result of each call made in violation of the TCPA, Plaintiff is  
5 entitled to an award of \$500.00 in statutory damages.  
6

7           23. As a result of each call made knowingly and/or willingly in violation of  
8 the TCPA, Plaintiff may be entitled to an award of treble damages.  
9

10                                   **PRAYER FOR RELIEF**

11           WHEREFORE, Plaintiff prays for judgment against Defendant for:

12                           A. Statutory damages of \$500.00 for each call determined to be in violation  
13 of the TCPA pursuant to 47 U.S.C. § 227(b)(3);  
14

15                           B. Treble damages for each violation determined to be willful and/or  
16 knowing under the TCPA pursuant to 47 U.S.C. § 227(b)(3); and  
17

18                           C. Such other and further relief as may be just and proper.  
19

20                                   **TRIAL BY JURY DEMANDED ON ALL COUNTS**  
21

22  
23 DATED: December 30, 2019

TRINETTE G. KENT

24 By: /s/ Trinette G. Kent

25 Trinette G. Kent, Esq.

26 Lemberg Law, LLC

27 Attorney for Plaintiff, Rebecca Cooley  
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